

MINUTES DRAFT
Of the October 2nd, 2008
Woods Bay/Bigfork 440 Working Group
Held at 8:30am Saddlehorn Office, Bigfork

Mr. Darrow called the meeting to order with the following members present:
George Darrow, Kevin Gownley, Jim Frizzell, Dan Vincent, Clarice Ryan, Donna Lawson, Kitty Rich, Paul Rana, Tracy Reiling, Anne Moran (DNRC), Greg Poncin (DNRC), Steve Brady (USFS)
Also present, was reporter Katrin Frye of the Flathead Beacon
Absent: Dave Landstrom (MFWP)

Minutes of the September 18th were reviewed and approved.

Tracy Reiling, a concerned citizen from Ferndale, was introduced as a new member of the group accepting the task of taking the minutes of the meeting. Approval was met with enthusiasm, as to free others from the task.

Jim opened the meeting by recapping the discussion of the last meeting with an outline of the look of success:

- 1.) Compensation to Beneficiary
- 2.) Land Management/Access – Timber, Weeds,
- 3.) Fire Safety – Fuel Reduction
- 4.) Education – Living Classroom
- 5.) Preservation of Wildlife Corridors and uniqueness of area
- 6.) No Development
- 7.) Do this in a timely manner

A time table chart was offered as a way to break down the ideas. Short Term, Intermediate and Long Term.

George offered the Land exchange into the short term options and after lengthy discussion of the inter-workings of this option it was moved into the Long-term side. A short-term action to the Long-term Land Exchange option, was to identify possible exchange partners and what they would have to trade. Temporary Access was also added to the Short-term.

Also added to the Long-term ideas were:

Possible legislation changes to broaden the interpretation of the Land Trust responsibility. This could aid in a land exchange.

Conservation Easements

George wanted to clarify the original idea of State land being used to support State institutions, those being, State run schools and the Capitol Building in Helena. The past intent being “Support of Schools” has translated into dollar value only, the modern day “Support of Education.” This discussion led to the idea of legislative change of language, by Paul.

Greg then offered a history of trust lands beginning in the 1800’s with Thomas Jefferson’s strong belief in *public* education. Jefferson created a state funded public education system using federal land

grants as a means of funding, and as an incentive to the territories to join the Union. This explanation was offered as background to the intent behind the creation school trust lands and their specific purpose

Land exchange, between DNRC and USFS does not have a very successful history. Dan Vincent had worked with one that took 16 years to go through. Steve believes that there had been a successful Forest Service/DNRC exchange near Missoula.

The USFS is not interested in acquiring more urban interface such as this 440 borders, but would take it on rather than see it go to development. USFS would likely designate the parcel (if they acquired it) Management Area 3 under their current forest plan. Management area 3 is a designation used for nonforest lands and/or timberlands where timber management is uneconomical and/or the area is more suited for amenity value resources. Within such lands timber harvest is allowed for salvage, firewood and other forest products when amenity values can be protected (note this is the definition of “Management Area 3” lands I looked up tonight in the current forest plan). Steve also explained that the “Research Natural Designation” of the parcel of land to the north of the state land is a special designation that was proclaimed by the Chief of the Forest Service in 1992. That management area designation does not allow for timber management. The Forest Service would not necessarily need permanent access from the west side of the parcel. However, the parcel does border the urban interface on the west and fuel reduction needs might require access from that side if they were to occur.

Land exchange is ultimately decided by the State Land Board, first giving the ok to move forward by approving the preliminary reports. Exchange partners could include MFWP, USFS, Tribal Councils, conservation organizations such as The Nature Conservancy or Private land owners.

George reminded that the Chancellor of the School of Mines is looking for cash and is not interested in where it comes from as it has been monetarily unproductive. Last big revenue, \$17,000 was generated in 1955.

Discussion turned to the access issues of the 440.

Steve asked Greg if road access was provided, by the USFS, to the Northeast/Crane Mt side of the 440, would this help.

Greg pointed out, “access is secondary to the goals of management, by that I mean access required for recreation management would be different than access required for timber management” and access from the Crane Mt side is not useful to productive timber harvest as the majority of merchantable timber is located at the bottom on the Woods Bay/Private property side “It would be almost impossible to haul logs on that adverse grade out the top, so it would be DNRC’s desire for the purposes of timber management to have access out the bottom (connecting in with Red Gate Drive)”. Clarice added that if fire danger is an imminent issue access must be added to the short term and we would need to address ideas to achieve this. Kevin asked Greg, if the USFS were to provide permanent access from the Crane Mt side would development be taken off the table? If permanent access is achieved the land locked parcel becomes valued most for real-estate development.

Greg and Steve then talked about the different requirements of access for each organization. Right Of Way policies for DNRC include; Desire - 60 ft w/ All Lawful access (definition from DNRC: it is more complex than a one-sentence definition, but basically put, granting access “for all lawful purposes” means access to lands for any lawful use of the land—this does not necessarily include the general public’s access to the land). If public access is provided for, USFS would seek permanent

administrative access also if it was not available currently, but, in some circumstances would accept temporary access granted from landowners. If no public access is currently available to a parcel of National Forest, the Forest Service would seek a full public and administrative easement; DNRC is held to stricter standards because of their position as trustees to the beneficiaries.

Chancellor Gilmore (Beneficiary) is looking for revenue and is hitting the DNRC (Trust) hard to provide. Without road access that allows for its ability to manage, or compensation for certain rights through a lease, license, or easement, DNRC thinks it may be better, for success of our effort, if someone else owned it.

Greg offered that the Nature Conservatory provides Trusts for public lands with purchase of development rights.

Short term solutions are needed for access / fuel reduction

Kevin then relayed his history with the DNRC and temporary access given to Justin Halverson, for fuel reduction. This seemed to be a viable solution but DNRC will not accept the issue of temporary easement vs. permanent access.

Dan wanted to know if DNRC has the flexibility to accept fuel reduction profits in the short-term?

Greg feels it does not address the big picture and we need to move towards a plan to satisfy beneficiary. Kelly asked if the USFS will accept the temporary easement, can they manage it? Steve said the Forest Service may be able to accept a temporary easement if needed to manage the parcel because they already have permanent public access into the parcel through their current ownership. If the Forest Service exchanged to acquire the parcel it would most likely take on the management designation of the Forest Service land adjoining the property. That management designation is Management Area 3 (described above) and though it is not a part of the "suitable timber base" where sustained production of timber is an objective, this management designation would likely allow for fuels treatment (including timber harvest) if need..

As we wrapped up this meeting and in preparation for the next meeting, parting thoughts were:

Dan wanted DNRC and neighboring private landowners to reconsider the short term access agreement and find out what the qualifiers would be. Greg responded he would be willing to explore some short term access solutions only if the group would agree to flesh out some of the long term proposals that were brought up and listed on the whiteboard by Jim Frizzell, as these will be the real solutions.

Kevin would make contacts to possible parties that may be interested in a land exchange. The public leg of this organization needs to bring the solution to the table; it will not be done by the government agencies involved.

Anne reminded everyone to go over the tools handout she provided and think of ways to apply it to this project. Greg added that we are in a unique situation and believes this group can find a solution, we can do anything.

Meeting Adjourned

Our next meeting will be Wednesday October 22nd, 10:00am at the Saddlehorn office in Bigfork.